

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JESSE WILLMS, *et al.*,

Defendants.

Case No. 2:11-cv-00828-MJP

**FTC'S REPLY TO JOINDER IN
CERTAIN DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Note on Motion Calendar: July 22, 2011.

Defendants Peter Graver, Adam Sechrist, Brett Callister, and Carey L. Milne ("Count 8 Defendants") join in the Opposition to Plaintiff's Motion for Preliminary Injunction ("Defendants' Opposition") filed by the Willms defendants as it applies to the allegations of Complaint Count 8 (ECF No. 45). For the reasons set forth in FTC's Reply to Defendants' Opposition, the preliminary injunction sought by the FTC against the Count 8 Defendants is justified and the FTC respectfully requests the Court to enter it.

The FTC has presented compelling evidence in its Amended Motion for Preliminary Injunction and Memorandum of Points and Authorities in Support that Defendants, including Count 8 Defendants, acting together, provided merchant banks with false or misleading information about the identities and finances of controlling persons to obtain and maintain merchant accounts through which the Willms defendants place charges on consumers' credit

1 and debit card accounts ([cite current brief]; ECF No. 40 at 27-29, and evidence cited therein).
2 As such, each of the Defendants is responsible for the consumer injury caused by the use of
3 these merchant accounts.

4 Defendants Milne and Callister attempt to evade responsibility by seizing on Complaint
5 language that uses two of the Defendants' shell corporations, Sphere Media and Circle Media
6 Bids, as examples (ECF No. 45 at 2-3). However, the evidence presented by the FTC clearly
7 demonstrates that these two individuals were responsible for setting up two other shell
8 corporations, Net Soft Media, LLC, and True Net, LLC, that were similarly used to evade
9 credit card risk management systems to the detriment of consumers (ECF No. 40 at 27-29, and
10 evidence cited therein).

11 For these reasons, the FTC respectfully requests that the Court enter the FTC's
12 proposed preliminary injunction against the Count 8 Defendants.

13 Dated: July 22, 2011

14 Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2011, I electronically filed the foregoing **FTC'S
REPLY TO JOINDER IN CERTAIN DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of the Court using the
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Adam Sechrist, Brett Callister, and Cary Milne

Dated: July 22, 2011

s/Nadine Samter
Nadine Samter